

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JHON BERNABEL,

Plaintiff,

-v-

MONARCH REALTY HOLDINGS, LLC & MONARCH  
PAYROLL SYSTEM LLC,

Defendants.

24 Civ. 9937 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

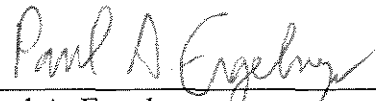
On March 20, 2025, plaintiff notified the Court that the parties reached a settlement in principle and submitted a written settlement agreement for the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2105). Dkt. 20.

Accordingly, the Court shall, by separate order, refer the *Cheeks* motion to Magistrate Judge Netburn, to whom this case was referred for general pretrial supervision, for a Report and Recommendation.

The Court also encourages the parties to discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before Judge Netburn. Should the parties elect this option, Judge Netburn would resolve the application for approval under *Cheeks*, rather than making a Report and Recommendation to this Court with respect to that issue. Judge Netburn would also resolve any additional legal questions that may arise in the case. Any appeal from Judge Netburn's rulings following consent would be directly to the United States Court of Appeals for the Second Circuit in the same way that an appeal from a District Judge's decision would be taken.

If both parties consent to proceed before Judge Netburn, counsel for the defendant should either email directly or file on ECF a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this order (and also available at <https://www.nysd.uscourts.gov/forms/consent-proceed-us-magistrate-judge>). The parties are free to withhold consent without negative consequences.

SO ORDERED.

  
\_\_\_\_\_  
Paul A. Engelmayer  
United States District Judge

Dated: March 31, 2025  
New York, New York

AO 85 (Rev. 02/17) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

# UNITED STATES DISTRICT COURT

for the

<i>Plaintiff</i>	)	
v.	)	Civil Action No.
<i>Defendant</i>	)	

## NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys*

*Signatures of parties or attorneys*

*Dates*


### Reference Order

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.